

**WILLKIE FARR & GALLAGHER LLP**  
BENEDICT Y. HUR (SBN: 224018)  
bhur@willkie.com  
SIMONA AGNOLUCCI (SBN: 246943)  
sagnolucci@willkie.com  
EDUARDO E. SANTACANA (SBN: 281668)  
esantacana@willkie.com  
ARGEMIRA FLÓREZ (SBN: 331153)  
aflorez@willkie.com  
HARRIS MATEEN (SBN: 335593)  
hmateen@willkie.com  
RODOLFO E. RIVERA AQUINO (SBN: 348512)  
rriveraquino@willkie.com  
333 Bush Street, 34<sup>th</sup> Floor  
San Francisco, CA 94104  
Telephone: (415) 858-7400

Attorneys for Defendant  
GOOGLE LLC

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, et al. individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

GOOGLE LLC, *et al.*,

Defendant.

Case No. 3:20-CV-04688 RS

**DECLARATION OF EDUARDO E.  
SANTACANA IN SUPPORT OF  
GOOGLE LLC'S MOTION TO STRIKE  
PLAINTIFFS' UNTIMELY DAMAGES  
OPINION**

*[FILED CONCURRENTLY WITH THE NOTICE AND  
MOTION AND [PROPOSED] ORDER]*

Date: February 13, 2025  
Time: 1:30 p.m.  
Ctrm: 3 - 17th Floor  
Judge: Hon. Richard Seeborg

Action filed: July 14, 2020  
Trial Date: August 18, 2025

1 I, EDUARDO E. SANTACANA, declare that:

2 1. I am an attorney licensed to practice law in the State of California and am a partner with the  
3 law firm of Willkie Farr & Gallagher LLP, located at 333 Bush Street, 34th Floor San Francisco,  
4 California 94104, counsel for Defendant Google LLC (“Google”) in the above-captioned  
5 action. Unless otherwise stated, the facts I set forth in this declaration are based on my personal  
6 knowledge or knowledge I obtained through my review of corporate records or other  
7 investigation. If called to testify as a witness, I could and would testify competently to such facts  
8 under oath.

9 2. I submit this declaration in support of Google’s Motion to Strike Plaintiffs’ Untimely  
10 Damages Opinion filed herewith.

11 3. On August 12, 2024, as part of Google’s 94th document production in this case, and in efforts  
12 to provide the data Plaintiffs’ damages expert would need to serve updated damages calculations,  
13 Google produced to Plaintiffs supplemental revenue and statistical data consisting of: revenue data  
14 for App Promo and AdMob; results from Google’s queries showing the percentage of (s)WAA-off  
15 traffic within a Google data log; and statistics regarding the monthly number of active U.S. Google  
16 Accounts where (s)WAA was turned off at any time and which were ever active.

17 4. On August 20, 2024, as part of Google’s 95th document production in this case, Google  
18 produced to Plaintiffs related, supplemental statistical data regarding the monthly number of active  
19 U.S. Google Accounts, including with WAA and sWAA enabled.

20 5. Plaintiffs served their Third “Amended” Rule 26 Disclosures with a new damages opinion on  
21 Google on September 16, 2024 (“New Opinion”). Plaintiffs had served Second Amended Rule 26  
22 disclosures on Google slightly less than a year earlier, on October 4, 2023.

23 6. On October 23, 2024, Counsel held a meet and confer call to discuss resolution of items raised  
24 in the Case Management Conference held on October 10, 2024, including Google’s response to  
25 Plaintiffs’ New Opinion. On that call, Plaintiffs’ counsel disclosed that their expert, Michael  
26 Lasinski’s, supplemental report would include the newly disclosed methodology and calculations  
27 described in Plaintiffs’ New Opinion.

28 7. Attached hereto as **Exhibit 1** is a redline of Plaintiffs’ Third “Amended” Rule 26 Disclosures

1 against Plaintiffs' Second Amended Rule 26 disclosures.  
2

3 I declare under penalty of perjury under the laws of the United States that the foregoing is  
4 true and correct.  
5

6 Dated: December 19, 2024

\_\_\_\_\_  
/s/ Eduardo E. Santacana  
EDUARDO E. SANTACANA